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Application No. 09/449,001
Filed: November 24, 1999
TC Art Unit: 2618
Confirmation No.: 5697

REMARKS

Claims 1-22, 24-28, 30-33, 35-38 and 40-56 are pending and stand rejected under 35 USC §102(e) as being anticipated by Kirby (U.S. Pat. No. 6,330,443). Though no claim amendments are presently being made, Applicant provides the pending claims for the convenience of the Examiner.

With regard to claims 1 and 12, the Examiner points to various combinations of elements from Kirby in supporting the rejection. It is useful for these combinations to be untangled in revealing the inapplicability of Kirby to the present claims.

Specifically, and with reference to Fig. 1 of Kirby, the Examiner relies upon the scenarios where either debit unit 80a is utilized in service provider A's network 20, or where debit unit 80c is used in service provider C's network 60. As described in Kirby, these are distinct and unique situations despite the fact that they may take place in the context of a common network.

Beginning with the case of debit unit 80a registering in network A 20, the Examiner suggests that the claimed MSC is taught by the network 20, though arguably a more proper choice would be mobile switch 24. In the case of an initial activation of the debit unit 80a, the mobile switch 24 searches the respective VLR 23 to determine if a need exists for registration data and if so

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issues a request for information to the subscriber's home network, in this case network B 40. This is the standard registration technique for roamers and is described in Kirby at col. 12, ll. 1-13.

With respect to the claimed location register, the Examiner points to elements 28 and 29 of Kirby. These are the call processor 28 and associated database 29 of the debit platform A 26. However, Kirby is clear in stating that these elements are concerned with subscriber balance monitoring, not subscriber profile retention.

[W]hen debit unit 80a uses the telecommunication services of network A 20, information with respect to such usage is passed from mobile switch 24 to the debit platform 26. At the debit platform, the call processor 28 and the database 29 process the information and keeps track of it with respect to the debit unit 80a so that the debit unit 80a receives telecommunication services only to the extent that such services have been prepaid or otherwise authorized.

(Kirby, col. 12, ll. 54-62).

The Examiner's argument requires that the call processor 28 be in communication with the HLR 43 for collecting the subscriber profile, yet there is no indication anywhere in Kirby that the call processor 28 exchanges any form of data with the HLR 43. Rather, as previously indicated, the VLR 23 of the serving MSC 24 in Kirby communicates with the HLR 43 of the home MSC 44 in the

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well-known standard manner to obtain subscriber profile data, while debit platform A 26 communicates with debit platform B 46 to obtain debit information.

The translators 30, 50 introduced in Kirby are not involved in the exchange of profile information from HLR to VLR during subscriber registration. Rather, they are employed solely to address the problem identified by Kirby - competing debit platforms may utilize different data formats. All of the discussion in Kirby with respect to data format translation pertains to debit and authorization data, not profile data.

Referring to FIG. 1, wireless unit 80a may be roaming in the service area of network A 20. Network A may be interested in obtaining further information such as authorization information with respect to wireless unit 80a. This authorization information also may be referred to herein as debit information. To obtain this authorization information, data is obtained by network A 20 from the wireless unit 80a in connection with the unit's registration with the network 20, and in particular, with the mobile switch 24. The data is provided to a debit platform 26. The debit platform 26 may use a certain protocol, language, format, program, etc. in carrying out its functions. The protocol, language, format, program, etc. that is used by a debit platform in this example is referred to herein as the "visitor's protocol". The visitor's protocol may be the same protocol as that used by the visited wireless network or elements thereof, or the visitor's protocol may be different from that used by the visited wireless network or elements thereof. As is described in greater detail below, one function of the translator 30 is to receive the data regarding the wireless unit from an associated debit platform 26, to translate, if necessary, the data from the visitor's protocol, to

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format the data into a standard inter-network communications message, and then to transmit this standard inter-network communications message with the data for further routing to another wireless network.

(Kirby, col. 14, ll. 27-51).

The instant claims require that the location register be capable of "determining whether a prepaid platform is associated with the respective market of the serving mobile switching center." As indicated above, the call processor 28 of the debit platform A 26 is not a location register. In addition, there is no disclosure in Kirby that the call processor 28 is capable of making such a determination. Rather, the call processor 28 by definition is part of a debit platform A and thus is unable to premise any conditional action on whether it is or is not part of a prepaid platform.

Finally, as emphasized in Applicant's Preliminary Amendment dated Aug. 29, 2005, the translators of Kirby do not perform any conditional data modification. Rather, they perform data translation. In other words, a certain set of debit account data will never be altered as a result of the operation of the translators - only the format of the data is changed.

The alternative basis for rejecting claims 1 and 12 defined by the Examiner begins with a debit unit 80c roaming in network C 60. Registration of the roaming subscriber 80c in the VLR 63 of

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the MSC 64 of network C 60 occurs in the same fashion as with respect to the roamer 80a in network A 20 (see, Kirby, col. 12, ll. 1-13).

In this scenario, the Examiner has indicated that the claimed location register is represented by the call processor 48 and associated database 49 of the debit platform B 46 of the roamer's home network 40. Since the claim requires the location register to be in communication with the home location register, this analogy requires that the HLR be in communication with *itself* for the purpose of exchanging subscriber profile data. Further, the location register, which is analogized to Kirby's HLR 43, must be capable of determining if a prepaid platform is associated with the serving mobile switch. Kirby provides no suggestion that the HLR 43 has any knowledge of whether a third party network C 60 has a prepaid platform associated therewith.

Yet, the argument is made that the national debit platform 72 may be accessible by the serving network C 60. While this may be the case, again, Kirby fails to provide any suggestion that the subscriber's home network HLR 43 has any knowledge of whether the serving network C 60 has subscribed to the services of the national debit platform 72. "[A] service provider that does not

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have a debit platform may engage the facilities of a national debit platform." (Kirby, col. 11, ll. 21-23; emphasis supplied).

Finally, as stated above, the claims require the location register to be capable of selectively modifying a subscriber profile in response to whether a prepaid platform is associated with the serving market. Even if the HLR 43 of Kirby had any knowledge of the prepaid billing capabilities of the market serving one of its roaming subscribers, it would perform no modification of subscriber profile data based upon such knowledge. All of the functions involving the HLR are independent of the operation of Kirby's translators, and as previously indicated the translators have nothing to do with profile data or with modification of data.

Claims 2-11 and 13-20 are believed to be allowable as being dependent from respective allowable base claims. Further, some of the arguments distinguishing the bases for rejection of claims 1 and 12 are directly applicable to the rejections of these dependent claims. Additional distinguishing remarks with respect to certain of these claims follows.

With respect to claims 2 and 13, the Examiner refers to Kirby, col. 12, ll. 1-13 and 45-67. Lines 1-13 discuss roaming subscriber registration techniques which are well known in the

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art. Involved is the exchange of subscriber profile data between the HLR and VLR. There is no discussion of the HLR and/or VLR having knowledge of whether a serving network has associated therewith a prepaid or debit platform 26.

Lines 45-67 relate to the use of a debit platform A 26 in a visited network A 20. This is described as an alternative to the use of a national debit platform 72. Once again, no mention is made of an analog to the claimed location register, be it the MSC 24 or the debit platform 26 itself, having "a database of information representative of a plurality of markets, capable of serving the subscriber, having a prepaid platform associated therewith."

Claims 3 and 14 require that the location register have a message processing unit for receiving a message from the serving MSC indicative of whether a prepaid platform is associated with the respective market (or network). Kirby provides no analog to the claimed location register, particularly one which receives and processes messages from a serving MSC indicative of the presence of an associated prepaid platform.

Claims 21, 28, 33, and 38 are each rejected on the basis that Kirby discloses the modification of a subscriber profile based upon whether a prepaid platform is associated with the respective

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roaming market. It is noted that independent claims 43 and 51 were not included in this rejection, though based upon the rejections of the respective dependent claims which follow in the office action, it is believed that claims 43 and 51 were intended to be included in this rejection.

To support these rejections, certain portions of the Kirby specification are referred to.

Col. 4, ll. 20-35 is a portion of the Summary of the Invention that introduces the Kirby disclosure and its ability to facilitate the exchange of debit information between a visited wireless network and a home wireless network. No mention is made of selective subscriber profile data modification for the purpose of routing a call to a particular prepaid platform.

Col. 10, ll. 1-35 describes the ability of the disclosed system to enable or to block roaming prepaid callers, and to utilize either a local or a central (i.e. national) prepaid billing platform. Once again, though, Kirby is silent with respect to modification of individual subscriber profiles based upon whether a prepaid platform is associated with the respective network market.

Finally, col. 24, l. 29 through col. 26, l. 62 describes the exchange of call-specific data upon the termination of a roaming

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debit plan subscriber call. Again, no mention is made of the ability to selectively modify a subscriber profile on the basis of whether a prepaid platform is associated with the respective network market.

At least on the basis of this lack of teaching in Kirby, claims 21, 28, 33, 38, 43, and 51 are believed to be allowable over the prior art of record. As being dependent upon allowable base claims, dependent claims 22, 24-27, 30-32, 35-37, 40-42, 44-50, and 52-56 are also believed to be allowable. Additionally, as many of these claims pertain to conditional subscriber profile modification, and since Kirby provides no teaching with respect to this aspect, these dependent claims are further believed to be allowable.

In view of the foregoing remarks, the Examiner is respectfully requested to reconsider the rejections and allow the claims. If a teleconference would be of use in forwarding the present application towards allowance, the Examiner is invited to contact Applicant's representative at the telephone number listed below.

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Respectfully submitted,

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